

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 32859 of 2006(J)

RCP.18/2000 of PRINCIPAL MUNSIF & RENT CONTROL COURT,
ALAPPUZHA

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PETITIONER:

G.GOPIDAS, S/O.GOPALAN,
SADANAM, PUNNAPRA P.O., ALAPPUZHA.

BY ADV. SRI.T.R.RAJAN

RESPONDENTS:

K.R.RAVINDRAN, S/O.RAGHAVAN,
RENI VILLA, KARAKKAD, P.O.CHENGANNUR.

BY/

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ
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W.P.(C) NO. 32859 OF 2006

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Dated this the 18th day of December 2006

JUDGMENT

Udayabhanu,J

The petitioner/tenant in R.C.P. No. 18/2000 facing proceedings under section 11(2) and 11(3) has sought for setting aside the order of the Rent Control Court in I.A. No. 4347/2006 seeking appointment of a commission to ascertain as to whether the adjacent room allegedly got vacated during the pendency of the proceedings is suitable for the purpose for which the landlord is seeking eviction. The court below dismissed the application directing the petitioner/tenant to examine any witness or witnesses who are conversant with the above facts, probably on account of the fact that the matter is of the year 2000 and is pending before the court for about 6 years.

All the same, we find that in the interest of complete and full adjudication of the matter, it would be desirable to have a Commissioner deputed and report obtained. In the circumstances, the order in I.A. 4347/2006 is herewith set aside and the Rent Control Court is directed to see that the Commissioner is deputed with a direction that the report should be filed within two weeks from the

issuance of the Commission and the entire matter is disposed of within three months from the date of receipt of this judgment before the court below. The parties shall appear before the court below on 01.01.2007. The Writ Petition is disposed of as above.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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